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09300SB2944sam001

LRB093 21015 WGH 47588 a

1 AMENDMENT TO SENATE BILL 2944

2 AMENDMENT NO. _____. Amend Senate Bill 2944 by replacing
3 the title with the following:

4
5 "AN ACT concerning food."; and

6
7 by inserting at the end of the bill the following:

8 "Section 10. The Good Samaritan Food Donor Act is amended
9 by changing Section 3 as follows:

10 (745 ILCS 50/3) (from Ch. 56 1/2, par. 2003)

11 Sec. 3. Donor's immunity from liability.

12 (a) Except as provided in subsection (b), no wild game
13 donor, farmer, food producer, processor, distributor,
14 wholesaler, retailer, gleaner of food, any other person (if
15 that other person donates food that has been inspected by
16 either a State or federal authority and has not been altered
17 after that inspection), a not for profit corporation or
18 charitable organization whose members provide baked goods that
19 are not potentially hazardous, or donor of day old bread, who
20 in good faith donates perishable canned or farm food items,
21 prepared food, day old bread, or wild game to a not for profit
22 corporation or charitable organization for distribution to
23 nursing homes, needy, or poor persons shall be liable in any
24 civil action based on the theory of warranty, negligence or

1 strict liability in tort, for damages incurred resulting from
2 any illness or disease contracted by the ultimate users or
3 recipients of the food due to the nature, age, condition, or
4 packaging of the food.

5 (a-5) The immunity provided under subsection (a) shall
6 apply to any person or organization that prepares and serves,
7 for specific events, wild game that has not specifically been
8 raised, harvested, dressed, or inspected for human consumption
9 in accordance with existing rules and regulations of the U.S.
10 or State Departments of Agriculture or any other state or
11 federal agencies empowered to enforce health and safety
12 requirements. Placards shall be displayed in a conspicuous
13 location throughout the event identifying the food served as
14 uninspected wild game.

15 (a-10) The immunity provided under subsection (a) shall
16 apply to any person or organization that prepares and serves,
17 for a potluck event, food that has not specifically been
18 inspected for human consumption in accordance with existing
19 rules and regulations of the U.S. or State Departments of
20 Agriculture or any other State or federal agencies empowered to
21 enforce health and safety requirements. Placards shall be
22 displayed in conspicuous locations throughout the potluck
23 event identifying the food served as uninspected food.

24 (b) The immunity provided in subsection (a) shall not apply
25 where the following is shown:

26 (1) that the illness or disease resulted from the
27 willful, wanton, or reckless acts of the donor; or

28 (2) that the donor had actual or constructive knowledge
29 that the food was tainted, contaminated, or harmful to the
30 health or well-being of the recipient of such donated food;
31 or

32 (3) where the food was in the form of canned goods,
33 that the containers were rusted, leaky, swollen, or
34 otherwise defective to the extent that they could not be

1 sold to members of the general public; provided, however,
2 that the fact that the cans were simply dented does not, in
3 itself, constitute such a defect so as to preclude the
4 grant of immunity provided by subsection (a).
5 (Source: P.A. 91-720, eff. 1-1-01.)".